

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Michael L. Perry et al

Serial No.: 09/921,809

Filed: August 3, 2001

Title: FUEL PURGING OF CASCADED FUEL
CELL STACK

Examiner: J. Crepeau

Art Unit: 1746

Docket No.: C-2462

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being
facsimile transmitted to the Patent and Trademark
Office (Fax No. 703-872-9306) on

May 13, 2004.

Barbara Cecere

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Sir:

This paper is responsive to the Office Action dated April 23, 2004. Claims 7-11 are allowed, claim 1 has been cancelled, claims 2-6 remain for further consideration.

1. The allowance of claims 7-11 is noted with gratitude.
2. Claims 2, 3, 5 and 6 are rejected as obvious over McElroy. MPEP 2143 states "To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference....Finally the prior art reference...must teach or suggest all of the claim limitations. The teaching or suggestion...must...be found in the prior art, not in applicant's disclosure." MPEP 2143.03 states "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art...all words in the claim must be considered in judging the patentability of that claim against the prior art."

Claim 3, in lines 3-5 requires "a first group of fuel cells...a second group of fuel cells...and a third group of fuel cells...". McElroy has only two groups; the